



Board of Adjustment

Minutes

City Council Chambers, Lower Level
April 8th, 2014

Board Members Present:

Trent Montague – Chair
Mark Freeman
Shelly Allen
Chad Cluff
Greg Hitchens

Board Members Absent:

Tyler Stradling-excused
Wade Swanson-excused

Staff Present:

Gordon Sheffield
Angelica Guevara
Julia Kerran
Kim Steadman
Wahid Alam
Lisa Davis
Kaelee Wilson
Lesley Davis
Margaret Robertson
Rebecca Gorton
Michael Gildenstern

Others Present:

Michael Campbell
Charles Huellmantel
Al McCann
Ruth Nesbitt
James Pomush
Chuck Larson
Brian Stimatze
Rose Marin
Brenda Sabin

The study session began at 4:36 p.m. The Public Hearing meeting began at 6:01 p.m. Before adjournment at 7:25 p.m., the following items were considered and recorded.

Study Session began at 4:36 p.m.

- A. Zoning Administrator's Report.
- B. Margaret Robertson gave a brief presentation on the Federal Telecommunications Act.
- C. The items scheduled for the Board's Public Hearing were discussed.

Study Session adjourned at 5:53 p.m.

Public Hearing began at 6:01 p.m.

- A. Consider Minutes from the March 11, 2014 Meeting a motion was made by Boardmember Allen and seconded by Boardmember Freeman to approve the minutes. Vote: Passed 5-0 (-Boardmembers Stradling and Swanson absent-)
- B. Consider Proposed Revisions to the By-laws of the Board of Adjustment a motion was made by Boardmember Hitchens and seconded by Boardmember Allen to make proposed revisions to page 3 of the

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By-laws. Vote: Passed 5-0 (Absent Boardmembers: Stradling and Swanson ~~absent~~)

- C. Consent Agenda a motion to continue the proposed revisions to the By-laws as read was made by Boardmember Allen and seconded by Boardmember Freeman. Vote: Passed 5-0 (Boardmembers Stradling and Swanson absent ~~absent~~)

**Board of Adjustment Meeting
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Case No.: BA14-008

Location: The 1300 to the 1400 blocks of South Hawes Road

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Subject: Requesting a Special Use Permit to allow a Wireless Communication Facility to exceed the maximum height allowed in the AG zoning district. (PLN2014-00022)

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Decision: Approval with conditions

Summary: The applicant, Michael Campbell at 6880 W. Antelope in Peoria, of Campbell A&Z, LLC for Verizon Wireless gave a brief presentation on the case.

Boardmember Freeman confirmed with Staff member Alam that items number 10 and 12 were removed from the March Board of Adjustment Meeting.

The applicant confirmed for Boardmember Hitchens that there were 3 potential sites evaluated, and then an additional fourth site assessed with ADOT.

Staff member Alam confirmed for Boardmember Hitchens that is 74 feet from the center line of Hawes Road to the base of the monopalm.

The applicant explained for Boardmember Allen the difference between a “gap” issue and a “capacity” issue, describing the site in question as a “poor quality” service area that suffers during high call volume times. Boardmember Allen’s interpretation of the case being a service capacity issue and not a coverage gap issue was confirmed by Zoning Administrator Sheffield.

Chuck Larson of 7924 E. Pampa, and a Verizon employee, spoke in favor of the project.

Charles Huellmantell, address P.O. Box 1033, Tempe AZ; spoke in opposition of the project. Mr. Huellmantell reiterated that the applicant said that it was not a coverage gap issue, but a capacity issue, and requested the tower to be moved to a different, less intrusive site. He explained to Boardmembers Freeman and Allen that locations further south of the community entrance were more suitable for monopalm placement and the tower could be built within their retention, if modified.

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Al McCann, the owner of the community, spoke in opposition of the project, and said that he was representing 1300 residents. He asked the Board to protect the quality of life of the neighbors, claiming the sites further south were more acceptable for a monopalm tower.

The applicant stated that the sites further south were not seen as viable options, and that other locations were considered unusable by ADOT because of sensitive shallow culverts that heavy equipment would have to cross during the construction of the monopalm tower.

The applicant confirmed for Zoning Administrator Sheffield and the Board that if the monopalm were to encroach on the retention area, the site would require substantial reengineering and would require replacement of fill dirt.

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Boardmember Hitchens reasoned that the monopalm would impact the view whether in the current spot or if repositioned to the south, so the difference would be the same.

Zoning Administrator Sheffield confirmed for Boardmember Allen that Hawes Road will only be used for emergency access.

Motion: It was moved by Boardmember Hitchens and seconded by Boardmember Freeman to approve case BA14-008 with the following conditions.

1. *Compliance with the site plan submitted except as modified by the following conditions below.*
2. *The commercial communication towers shall utilize a mono-palm design with a maximum height of sixty-five (65') to the top of the palm canopy and approximately fifty-eight feet five inches (58'-5") to the top of antennas. The top of steel shall not be higher than top of antennas.*
3. *The commercial communication tower shall utilize a Faux Date Palm design with a minimum of 65 palm fronds. Ten palm fronds shall be a minimum of 10-feet in length with the remaining palm fronds no less than 7 feet in length.*
4. *The antenna arrays stand-off shall not exceed twenty inches (20") from the pole.*
5. *The antenna array for each sector shall not exceed an overall width of eight feet (8').*
6. *The antennas shall not exceed 58" long x 15.5" wide x 6" deep.*
7. *All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the faux palm fronds.*
8. *The operator of the mono-palm shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
9. *Provide a permanent, weather-proof identification sign, approximately 16-inches by 32-inches in size on the gate of the fence identifying the facility operator(s), operator's address, and 24-hour telephone number for reaching the operator or an agent authorized to provide 24/7 response to emergency situations.*
10. *The twelve-foot (12') wide driveway shall be paved.*
11. *The 22'-6" x 47' lease area containing the equipment shelter, generator and the tower shall be screened by a 12' tall masonry wall with solid metal gate along north, west and west end section of the lease area up to the access gate and the balance of the screening will be 8 feet high wrought iron fence as identified in the site plan. The proposed masonry finish on the screen wall shall match the existing wall across Hawes Road in design (color, texture and material).*
12. *Maintenance of the facility shall conform to the requirements of Zoning Ordinance Section 11-35-5-I.*
13. *No later than 90 days from the date the use is discontinued or the cessation of operations, the owner of the abandoned tower or the owner of the property on which the facilities are sited shall remove all equipment and improvements associated with the use and shall restore the site to its original condition as shown on the plans submitted with the original approved application. The owner or his agent shall provide written verification of the removal of the wireless communications facility within 30 days of the date the removal is completed.*
14. *Future co-location of one additional carrier may be allowed through a separate zoning approval, provided appropriate methods are used to camouflage the additional antennas and equipment.*
15. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

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Vote: Passed (5-0) (~~Absent~~ — Boardmembers Stradling and Swanson absent)

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Findings/INDINGS:

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1. The proposed 65-foot high WCT would be placed south along east side of Hawes Road just south of Southern Avenue. The subject property is zoned AG, which permits WCTs subject to the approval of a Special Use Permit (SUP). Approval of a SUP requires finding the WCT is compatible with and not detrimental to surrounding properties and is consistent with the General Plan and other recognized plans and City Council policies, including the Commercial Communication Tower Guidelines, adopted in 1997.
2. The proposed monopalm would be 65-feet high and will resemble a date palm. The array of the monopalm will consist of three sectors, each with three antennas, for a total of nine antennas. The antennas will measure 58" L x 15.5" W x 6" D, and will be adequately screened by 65 fronds.
3. The mono-palm will be located within 47'x22'-6" lease area and associated ground mounted equipment would be located west of the mono-palm and enclosed with a twelve-foot high masonry and wrought iron fence.
4. Based on the submitted plans, identified as Pro San Tan Web with revision date January 31, 2014, the proposed WCT and the associated ground mounted equipment will be located within proposed 12 feet high (condition # 11 requires 12 feet high CMU screen wall) masonry and wrought iron fence.
5. The lease area would be within the Arizona Department of Transportation right of way accessed through secured gate off of Hawes Road.
6. The proposed monopalm will be a minimum of 139-feet from adjacent residences across Hawes Road to the west, where only 130-feet would be required. The site ~~plan identify~~plan identifies the setback from the Hawes Road right-of-way/section line is 74-feet, whereas only 65-feet would be required. Therefore proposed monopalm is in compliance with the requirements of Chapter 35 of the Zoning Ordinance regarding setbacks.
7. The applicant has noted: 1) this site is necessary to provide coverage to the residents and businesses in the area, 2) the stealth application, 3) the distance of the stealth facility from property lines, and 4) the screening of equipment as justification for the request. In addition to the applicant's justification.
8. Chapter 35 of the Zoning Ordinance creates a hierarchy of preferred designs and locations in an effort to mitigate the visual impact of WCTs, including the use of alternative or 'stealth' designs to conceal WCTs; setbacks from streets; and setbacks from residential properties. This proposed WCT would use a mono-palm design, and a location adjacent to a freeway screened by 12 feet CMU wall to minimize visual impact.
9. The WCT exceeds the setback recommendations from the residential subdivision to the west and the Hawes Road right of way.
10. The WCTs are an allowed use in AG Zoning District subject to granting of a Special Use Permit. The location of the proposed WCT will meet the requirements of Chapter 35 of the Zoning Ordinance with regard to -both -the adjacent street and the residential properties to the west. Given the stealth design, with the location within an existing right of way, enclosed with 12 feet high screen wall and the context of the site, the proposed WCT would be compatible with and not detrimental to surrounding properties.

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Case No.: BA14-011

Location: 1429 East Flossmoor Avenue

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Subject: Requesting a Variance to allow an encroachment into the required side yard in the RS-6 zoning district. (PLN2014-00043)

Decision: Continuance to the May 13, 2014 hearing

Summary: This item was on the consent agenda and was not discussed on an individual basis.

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Motion: It was moved by Boardmember Allen and seconded by Boardmember Freeman to continue Case BA14-011 to the May 13, 2014 meeting.

Vote: 5-0 (Boardmembers Stradling and Swanson absent)

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Findings: N/A

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Case No.: BA14-013

Location: 1614 North Mesa Drive

Subject: Requesting a Special Use Permit and a Development Incentive Permit to allow the development of an Assisted Living Facility in the OC zoning district. (PLN2014-00056)

Decision: Denial

Summary: The applicant, Brian Stimatze gave a brief presentation on the project.

Brenda Sabin of 362 E. Hunter Circle was in favor of the project, citing that the new development will be an improvement to the property and will remove an eyesore.

James Pomush of 1732 N. Dresden was in opposition to the project citing safety issues because it is located on a 45 mph downhill stretch of Mesa Drive. He was concerned about visibility, slowing vehicles making right turns into the site, and assisted living facility residents wandering out onto Mesa Drive. The Board discussed where this site was in relation to the beginning of the upward incline of Mesa Drive.

The applicant, Brian Stimatze confirmed for Boardmember Allen that the one-way circular drive on the site was supported by the Mesa Fire requirements and Staff Member Lisa Davis confirmed for Boardmember Allen that Fire Plan review Staff had already reviewed the site plan for the project and had no concerns.

The applicant addressed Boardmember Hitchens safety concerns on entering and exiting the site, stating that the hazard was no different than the situation presented by the neighboring property.

Rose Marin of 346 E. Hunter Circle, spoke in opposition. While she likes the project, she is anticipating additional light coming into her house at night, and would like her concerns addressed.

Ruth Nesbitt of 1530 N. Mesa Drive spoke in opposition to the project, stating that she did not like a business going in between two homes, and felt that the hill presents a safety issue.

The applicant acknowledged that lighting was a concern, but stated that the project adheres to the lighting ordinance. Staff member Davis added that the lighting requirement would be addressed by the Design Review Board. The applicant confirmed for Boardmember Allen that the project was only 1 story with 9 foot ceilings, and that the facility will be occupied by ambulatory and non-ambulatory residents. Boardmember Allen stated that she would support the assisted living facility, citing that it was more compatible

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with the neighborhood than other uses that could operate on the site.

The applicant confirmed for Chairperson Montague that the facility will not be accessible from Pomeroy, as it is a private street.

Zoning Administrator Sheffield explained to Boardmember Freeman that even if this project was denied, the OC base zoning would remain. Staff member Davis added that the parcel had been rezoned in 2008 for assisted living.

Boardmember Freeman expressed that he was not in support of the project as Mesa Drive is his daily commuter route, and that a 32 bed facility would add too much traffic volume to the area and would create a hazardous situation.

Motion: It was moved by Boardmember Allen and seconded by Boardmember Cluff to approve Case BA14-013. The vote was 3-2 and therefore the motion failed. (Boardmembers Stradling and Swanson absent)

Findings~~INDINGS~~:

1. The development conforms to the General Plan Land Use category of Medium Density Residential 4-6 which allows for office and limited Neighborhood Commercial of less than 10 acres.
2. The project as proposed with residential single story character is consistent with the General Plan Section 06, Goal RR-2: "Assure that infill development is compatible with neighboring uses."
3. The proposed Assisted Living Facility is allowed in the Office Commercial (OC) zoning district with the approval of a Special Use Permit. According to the Zoning Code the OC district is intended to provide areas for small-scale medical and professional offices intended to serve the community and remain compatible with adjacent residential areas.
4. The proposed Assisted Living Facility is compatible with adjacent developments, as it is complimentary to existing surrounding uses. Therefore, the proposed Assisted Living Facility will be compatible with, and not detrimental to, surrounding properties.
5. Adequate public services, public facilities and public infrastructure are available to serve the proposed project. Main Access to the site is provided from Mesa Drive. City of Mesa water and gas are currently available at the site.
6. Rezoning and site plan approval for an Assisted Living Facility was approved in 2008, Z08-048.
7. The proposed improvements, architectural elements including single story structures, construction and landscape materials, and other site improvements of the proposed Assisted Living Facility conform to current development and design standards of the Ordinance and the previously approved Development Incentive Permit and Special Use Permit, ZA08-066.
8. The applicant will apply for a "Directed Care" Assisted Living license form the Arizona Department of Health Services.

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Case No.: BA14-015

Location: 1550 West Southern Avenue

Subject: Requesting a Substantial Conformance Improvement Permit to allow the redevelopment of a vacant group commercial center within the LC zoning district. (PLN2014-00069)

Decision: Approval with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis

Motion: It was moved by Boardmember Allen and seconded by Boardmember Freeman to approve case BA14-015 with the following conditions:

1. *Compliance with the project narrative, site plan, landscape plan and elevations submitted except as modified by the following conditions.*
 2. *Provide a screen wall adjacent to Southern Avenue and Longmore Street frontages to screen the parking fields to comply with Sec. 11-30-9-H.*
 3. *Provide covered parking as per 11-32-3-D.*
 4. *Provide two pedestrian connections from building 'C' to Longmore Street.*
 5. *Each parking lot landscape island shall include one tree and three shrubs as per Sec. 11-33-4.*
 6. *Landscape diamonds within the parking field shall be at least 25 square feet each as per Sec. 11-33-4*
 7. *Provide parking lot landscape planters (medians) within parking field to comply with Figure 11-33-4.B.7 of the Zoning Ordinance.*
 8. *Provide 1 tree and 6 shrubs per 25 linear feet of street frontage adjacent to Southern Avenue and Longmore Street frontages.*
 9. *Increase width of the pedestrian connection to Southern Avenue to allow a 4-foot minimum width sidewalk and sufficient width to allow trees, shrubs and groundcovers to shade the sidewalk.*
 10. *Add compact parking spaces as per Sec. 11-32-2-D to allow landscape planters to be provided within the parking field per Conditions 4, 6 and 8.*
 11. *Provide bike racks and street furniture at each building from the Fiesta District Design Handbook.*
 12. *Provide an employee break area at each building.*
 13. *Signage shall be designed to help implement the Fiesta District brand.*
 14. *Parking lot light poles shall not be located within landscape islands.*
 15. *Provide a 5' wide foundation base along the north elevation of Building "A" to comply with Sec. 11-33-5.*
 16. *Exterior building elevations, parking canopies, screen walls, light poles/fixtures, signage and landscape plan and palette require Administrative Design Review approval.*
- Compliance with all requirements of Development Services in the issuance of building permits.*

Vote: Passed (5-0) (Boardmembers Stradling and Swanson absent)

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~~(Absent — Boardmembers Stradling and Swanson)~~

FindingsINDINGS:

1. The proposed improvements and occupancy change invoke conformance with current development standards.
2. At the time of initial development in 1988, the setbacks, foundation base, and landscape requirements of the Zoning Code varied or were non-existent when compared to the development standards of the current Code.
3. The site was developed with some street frontage landscape that has died and has not been replaced within the existing perimeter landscape yards and will need to be replaced as a condition of approval of the SCIP.
4. Requiring increased landscape yards around the perimeter of the site would require significant alteration of the site resulting in a loss of needed parking spaces.
5. Requiring compliance with current code would be inconsistent with the degree of change requested and would make the proposal unfeasible for the property owner.
6. The proposed improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.
7. The proposed use will not be detrimental to surrounding properties.

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**Board of Adjustment Meeting
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Case No.: BA14-016

Location: 909 West Main Street

Subject: Requesting Development Incentive Permit (DIP) to allow reductions to perimeter building setback and landscaping requirements; in conjunction with development of a mini-storage warehouse facility in the GC zoning district. (PLN2014-00066)

Decision: Continued to the May 13, 2014 meeting

Summary: This item was on the consent agenda and was not discussed on an individual basis

Motion: It was moved by Boardmember Allen seconded by Boardmember Freeman to continue case BA14-016 to the May 13, 2014 meeting.

Vote: Passed (5-0) (Boardmembers Stradling and Swanson absent)
~~(Absent — Boardmembers Stradling and Swanson)~~

**Board of Adjustment Meeting
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Case No.: BA14-017

Location: 1948 East McKellips Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modification to street side landscape and parking setback requirements; in conjunction with the development of a drive-through restaurant in the LC zoning district. (PLN2013-00617)

Decision: Approval with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis

Motion: It was moved by Boardmember Allen seconded by Boardmember Freeman to approve case BA14-017 with the following conditions:

1. *Compliance with the project narrative, site plan, landscape plan and elevations submitted except as modified by the following conditions.*
2. *Compliance with all requirements of both Planning and Zoning (Z14-008) and Design Review (DR14-004).*
3. *Compliance with all City development codes and regulations.*
4. *Provision of a minimum 1-ft deep foundation base adjacent to the south elevation adjacent to the and drive through lane, except as may be narrowed adjacent to the pay and pick-up windows.*
5. *Extend the sidewalk along the driveway access to the west of the building to connect with the sidewalk on McKellips Rd. and the public entry facing north.*
6. *Provide enhanced material such as pavers or stamped concrete for crosswalks.*
7. *Shade trees shall be provided over and adjacent to the proposed outdoor seating area and maintained in their natural, mature forms. Should trees be pruned in a pollarded manner, or if the trees die, then replacement of the trees shall occur within 30-days of notice given by City of Mesa staff.*
8. *Signs (detached and attached) need separate approval and permit for locations, size, and quantity.*
9. *Compliance with all requirements of Development Services in the issuance of building permits.*

Vote: Passed (5-0) (Boardmembers Stradling and Swanson absent)
(Absent — Boardmembers Stradling and Swanson)

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FindingsINDINGS:

1. The proposed site plan modification and improvements invoke conformance with current development standards.
2. At the time of initial development in 1985, the setbacks, foundation base, and landscape requirements of the Zoning Code varied or were non-existent when compared to the development standards of the current Code.
3. The proposed project provides 40 parking spaces on-site where 44 are required. Staff supports the reduced onsite parking because the shopping center is over parked by approximately 100 spaces.
4. There are deficiencies in the proposed site plan regarding reduced foundation base along north elevation and encroachment into the required landscape setback along McKellips Road. Given the improvements the applicant has made to the proposed site plan staff supports the deficiencies.
5. Requiring increased foundation base, and required set back along McKellips Road would require significant alteration of the site resulting in a loss of needed parking spaces.
6. Requiring compliance with current code would be inconsistent with the degree of change requested and would make the proposal unfeasible for the property owner.
7. The proposed improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.
8. The proposed use will not be detrimental to surrounding properties.

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**Board of Adjustment Meeting
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Case No.: BA14-018

Location: 260 South Hibbert

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow: 1) reductions to landscaping requirements; 2) building and parking space encroachments into required perimeter setbacks; and 3) development based on the submitted site plan; all in conjunction with the redevelopment of automotive parts manufacturing facility within the DB-2 zoning district. (PLN2014-00051)

Decision: Approval with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis

Motion: It was moved by Boardmember Allen seconded by Boardmember Freeman to approve case BA14-018 with the following conditions:

1. *Compliance with the site plan and elevations submitted, except as modified by the conditions below.*
2. *No outdoor activities or outdoor storage are permitted. All activities and product storage must occur within an enclosed structure.*
3. *All existing and/or proposed mechanical equipment shall be fully screened to comply with §11-30-9.*
4. *Compliance with all requirements of Design Review approval.*
5. *Compliance with all requirements of Development Services in the issuance of building permits.*

Vote: Passed (5-0) (~~Absent~~ — Boardmembers Stradling and Swanson absent)

Findings/INDINGS:

1. This request will allow for the construction of a 19,964 square-foot warehouse on a developed site within the DB-2 zoning district. The improvements proposed by the applicant include the consolidation of outdoor storage within the new warehouse, the establishment of designated parking spaces, and the removal of all debris and metal storage containers from the site.
2. Full compliance with current Code development standards would require significant demolition of existing structures, possibly precluding the continued use of this site for this lawful, permitted use.
3. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

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**Board of Adjustment Meeting
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Case No.: BA14-019

Location: 1440 South Longmore

Subject: Requesting 1) a revision of an existing Special Use Permit; and 2) a Substantial Incentive Conformance Permit (SCIP); both in conjunction with modifications to an existing a car wash facility in the GC district. Requested modifications include changes to access drives, and installation of vacuum equipment. (PLN2014-00103).

Decision: Approval with conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis

Motion: It was moved by Boardmember Allen seconded by Boardmember Freeman to approve case BA14-019 with the following conditions:

1. *Compliance with the site plan, landscape plan, and building elevations submitted, except as modified by the conditions listed below.*
2. *—Compliance with all requirements of Administrative Design Review.*
3. *—The applicant shall submit a “good neighbor policy” to Planning staff.*
4. *—Landscaping counts and sizes for trees and shrubs shall be in accordance with table 11-33-3A4 and 11-33-4.*
5. *—Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*
6. *—An opaque gate shall be added to the refuse enclosure.*
7. *—Replace all dead and missing landscaping along the perimeter*

Vote: Passed (5-0) (Absent – Boardmembers Stradling and Swanson)

Findings

SUBSTANTIAL CONFORMANCE IMPROVEMENT PERMIT FINDINGS:

1. The current land use conforms with Zoning Ordinance as a permitted use in the General Commercial (GC) zoning district as well as the General Plan designation of Regional Commercial. The redevelopment of the defunct car wash also conforms with the goals and policies of Section 06 – Revitalization and Redevelopment of the General Plan which seeks to prevent urban decay and blight. Although the carwash use is not a preferred use in the Fiesta District, the additional landscaping proposed assists the site in meeting the intent of the development standards set forth in the Fiesta District Development Plan.
2. Strict compliance with the Zoning Ordinance would require the building to be demolished.
3. The site improvements proposed are further in compliance with development standards than what is currently on the site; thus, is bringing the non-conforming site further into substantial conformance with code.
4. The carwash use has been in existence since 1984. Although the site has been vacant for several years, reestablishing the use will not be a detriment to the adjacent properties.

SPECIAL USE PERMIT FINDINGS:

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1. Approval of the this car wash redevelopment will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;
2. The location, size, design, and operating characteristics of the proposed car wash are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;
3. The redeveloped car wash will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and
4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

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Case No.: BA14-020

Location: 1130 West Southern Avenue

Subject: Requesting to modify an existing Special Use Permit for a Comprehensive Sign Plan to allow revisions to the maximum aggregate attached signage authorized for each tenant space, and authorize additional detached signage for a group commercial center in the LC zoning district. (PLN2014-000131).

Decision: Continued to the May 13, 2014 meeting

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Allen seconded by Boardmember Freeman to continue case BA14-020 to the May 13, 2014 meeting.

Vote: 5-0 (Boardmembers Stradling and Swanson absent)

Findings: N/A

**Board of Adjustment Meeting
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Case No.: BA14-021

Location: 1855 South Signal Butte Road

Subject: Requesting: a modification of a Special Use Permit for a car wash facility to allow modifications of the approved site plan; including revisions to access drives, installation of two vacuum canopies; and installation of vending and equipment structures; all within the LC zoning district (PLN2014-00119)

Decision: Approval with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis

Motion: It was moved by Boardmember Allen seconded by Boardmember Freeman to approve case BA14-021 with the following conditions:

1. *Compliance with the site plan showing decorative colored concrete, and landscape plan, including addition of new landscape material, and elevations as submitted, except as modified by the conditions below.*
2. *Compliance with all requirements and conditions of approval for the previously approved SUP, BA05-46.*
3. *Administrative Site Plan and Design Review approval is required for the proposed project to include review of the site plan, landscape plan and elevations with finish materials, architectural details and colors.*
4. *The Aquatic Blue Fabric shall be revised to the ~~Desert Sand~~ Terracota Fabric, or similar, to allow the newly installed shades to be more consistent with the existing project. Final approval of colors shall be determined with required Administrative Design Review Approval.*
5. *The light fixtures attached under the canopy shall be designed to be screened from view at Signal Butte Road. Review and approval of design shall occur with Administrative Design Review Approval.*
6. *The stucco depicted at the C-Store entrance to be painted the Aquatic Blue shall remain.*
7. *Provide Planning staff a letter of approval from the existing Superstition Gateway Property Owners Management for the proposed design and color of the canopies.*
8. *All existing illegal signs, including but not limited to, banners, flags and feather signs, shall be removed prior to the issuance any permits for this project.*
9. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

Vote: Passed (5-0) (~~Absent~~ — Boardmembers Stradling and Swanson absent)

Findings/INDINGS:

1. The development conforms to General Plan Land Use category of Regional Commercial (RC) which allows for supportive uses of the regional mall or power centers.
2. The proposed expansion of the car wash is allowed in the Limited Commercial (LC) zoning district with the approval of a Special Use Permit.
3. The proposed expansion of the car wash for Cobblestone Auto Spa is compatible with adjacent developments, and can be complimentary to existing surrounding uses.

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4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.
4. Full compliance with current Code development standards would require significant demolition of existing structures, possibly precluding the continued use of this site for this lawful, permitted use.
5. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

Case No.: BA14-022

Location: 541 North MacDonald

Subject: Requesting a variance to allow a residential building addition to encroach into a required side yard in the RS-6-HP zoning district. (PLN2014-0113)

Decision: Approval with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis

Motion: It was moved by Boardmember Hitchens seconded by Boardmember Cluff to approve case BA14-022 with the following conditions:

1. *Compliance with the site plan, narrative and exhibits submitted.*
2. *Maintenance of the historical integrity of the home to be confirmed with an approval of a Certificate of Appropriateness from the Historic Preservation Officer for the City of Mesa.*
3. *The applicant must maintain the current setback established by the existing garage of 3'- 6".*
4. *Compliance with all requirements of the Development Services Division in the issuance of building permits.*

Vote: Passed (4-0-1) (~~Abstained~~ — Boardmember Allen abstained; ~~Absent~~ — Boardmembers Stradling and Swanson absent)

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Findings~~INDINGS~~:

1. There are special circumstances with the historical nature of the home that apply to this request that are pre-existing and not self-imposed.
2. Requiring compliance with the ordinance would deprive the property of privileges enjoyed by other properties in the vicinity and the same zoning district.
3. This variance request does not constitute a special privilege unavailable to other properties in the vicinity and zoning district of the subject property.
4. The proposal strikes a balance between historic preservation and the current needs of the owners.

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Case No.: BA14-023

Location: 1821 South Country Club Drive

Subject: Requesting a Development Incentive Permit (DIP) to allow reductions to perimeter setback requirements for development of a drive-through restaurant facility in the GC zoning district. (2014-00114)

Decision: Approval with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis

Motion: It was moved by Boardmember Allen seconded by Boardmember Freeman to approve case BA14-023 with the following conditions:

1. *Compliance with the site plan, landscape plan, and building elevations submitted, except as modified by the conditions listed below.*
2. *Site Plan approval.*
3. *Compliance with Code requirements for tree and shrub counts.*
4. *Compliance with all Development Services requirements with regard to the issuance of building permits.*

Vote: Passed (5-0) (~~Absent~~—(Boardmembers Stradling and Swanson absent)

Findings~~INDINGS~~:

1. This request will allow for the construction of a 1,964 square-foot drive-thru coffee shop within the GC zoning district.
2. The proposed land use conforms to permitted uses for GC district. The development also conforms to General Plan Section 06, Goal RR-2: "Attract development to vacant areas within an urbanized community through the use of infill incentives and innovative design."
3. Parcels within 1200 feet of this parcel are more that 75% developed. At least 50% of those parcels were developed at least 15 years ago.
4. The incentives established by this DIP will not allow development that is more intense that the surrounding neighborhood which ranges from intense industrial uses to large-format retail developments.

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Case No.: BA14-024

Location: 1335 South Alma School Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow: 1) buildings to encroach into the required side yard; and 2) modification of the landscape parking island requirements; both in conjunction with the redevelopment of a pad site for a group commercial center in the LC zoning district. (PLN2014-00121)

Decision: Continued to the May 13, 2014 meeting

Summary: This item was on the consent agenda and was not discussed on an individual basis

Motion: It was moved by Boardmember Allen seconded by Boardmember Freeman to continue case BA14-024 to the May 13, 2014 meeting.

Vote: Passed (5-0) (~~Absent~~ — Boardmembers Stradling and Swanson absent)

Findings: N/A

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Case No.: BA14-025

Location: 715 North Center Street

Subject: Requesting a Special Use Permit for a Comprehensive Sign Plan related to Fitch Park Spring Training Facilities, in the PS zoning district. (PLN2014-00144)

Decision: Approval with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis

Motion: It was moved by Boardmember Allen seconded by Boardmember Freeman to approve case BA14-025 with the following conditions:

1. *Compliance with sign plan submitted, except as modified by the conditions listed below.*
2. *The Art Graphics are considered signage in the form of commercial murals. The actual art used in the Art Graphics is limited to the display intended to portray team spirit, team and baseball history, and replay moments, and should not include anything that could be construed as advertising copy.*
3. *Compliance with all requirements of Development Services in the issuance of sign permits.*

Vote: Passed (5-0) (Absent – Boardmembers Stradling and Swanson)

Findings

1. The proposed CSP allows two freestanding signs to address the various needs of the 23 acre site.
2. There are two proposed signs attached to the buildings that are visible from the street intended to identify the new team occupying the facility, provide way finding for players, visitors, and fans throughout the site.
3. One, 10' tall, 14 s.f. freestanding sign is proposed adjacent to Center Street.
4. One, 4.5' tall, 8 s.f. freestanding sign is proposed adjacent to Center Street.

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5. As justification for the request the applicant: 1) has provided a balanced comprehensive sign plan to address the needs of the large scale site; 2) the primary identification signs are of appropriate scale with the street frontage of the site; and 3) the proposed signs complement the building architecture and proposed improvements.
6. The proposed CSP, including staff recommended conditions of approval, will be compatible with the existing development as well as surrounding properties, and will not be detrimental to adjacent development.

Case No.: BA14-026

Location: 1235 North Center Street

Subject: Requesting a Special Use Permit for a Comprehensive Sign Plan related to Hohokam Park Spring Training Facilities, in the PS zoning district. (PLN2014-00145)

Decision: Approval with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis

Motion: It was moved by Boardmember Allen seconded by Boardmember Freeman to approve case BA14-026 with the following conditions:

1. *Compliance with sign plan submitted, except as modified by the conditions listed below.*
2. *The Art Graphics are considered signage in the form of commercial murals. The actual art used in the Art Graphics is limited to the display intended to portray team spirit, team and baseball history, and replay moments, and should not include anything that could be construed as advertising copy.*
3. *Compliance with all requirements of Development Services in the issuance of sign permits.*

Vote: Passed (5-0) (~~Absent~~ — Boardmembers Stradling and Swanson absent)

Findings~~INDINGS~~:

1. The proposed CSP allows multiple attached signs to address the various needs of the 37.6 acre site.
2. There are 11 proposed signs attached to the buildings that are visible from the street intended to

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identify the new team occupying the stadium, provide way finding for visitors through the site, and direct fans to the correct entry gates and stadium seating sections.

3. There are 7 of proposed signs attached to the structures within the stadium that will be not visible from the perimeter of the site. These signs are intended to provide team branding and sponsorship opportunities visible only to those attending the stadium.
4. One, 7.5' tall, 50 s.f. freestanding sign is proposed adjacent to Center Street.
5. As justification for the request the applicant: 1) has provided a balanced comprehensive sign plan to address the needs of the large scale site and stadium; 2) the primary identification signs are of appropriate scale with the entrance elevations; and 3) the proposed signs complement the building architecture and proposed improvements; 4) various signs are directional in nature and not intended to convey additional commercial advertisement opportunities; and 5) signage intended for branding and sponsorship opportunities are only visible from within the stadium.
6. In support of the proposed CSP, staff has recommended the artistic graphic displays be limited to "depictions of persons, places, or events noncommercial in nature and not used for purposes of commercial identification."
7. The proposed CSP, including staff recommended conditions of approval, will be compatible with the existing development as well as surrounding properties, and will not be detrimental to adjacent development.

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OTHER BUSINESS:

ITEMS FROM CITIZENS PRESENT:

None

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Respectfully submitted,

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Gordon Sheffield, AICP CNU-a
Zoning Administrator

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